

REMARKS

This Amendment responds to the Office Action dated August 15, 2007, in which the Examiner rejected claims 1-3, 5-8, 10-15, 17, 19-21, 23-26, 28-31, and 33 under 35 U.S.C. § 103.

Applicants respectfully request the Examiner acknowledge the Information Disclosure Statement filed on May 14, 2004.

Applicants thank the Examiner for acknowledging receipt of the priority documents in the July 28, 2005 Office Action. However, Applicants note that only box 12(a) was checked whereas box 12(a)(1) should also be checked. Correction of PTOL-326 is respectfully requested.

As indicated above, the claims have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claims 17 and 33 were rejected under 35 U.S.C. § 103 as being unpatentable over *Gagnon et al.* (U.S. Patent No. 6,522,342) in view of *Imajima et al.* (U.S. Patent No. 6,211,901).

Gagnon et al. appears to disclose programming signals along with data signals are encoded into information data streams that are multiplexed into packetized data streams and are broadcast to a receiver station 106 (Col. 8, line 61 – Col. 9, line 21). Nothing in *Gagnon et al.* shows, teaches or suggests a transmission rate of a data stream using a data broadcasting band is lower than a coding bit rate of the data stream as claimed in claims 17 and 33. Rather, *Gagnon et al.* only discloses programming signals along with data signals are encoded into information data streams that are multiplexed into packetized data streams (Col. 8, line 64 – Col. 9, line 3).

Imajima et al. only discloses CLAD 140 disassembles a ATM cell input from an output port of switch 130, multiplexes the video data obtained by removing the header information from the disassembled cell and outputs the video data of 24 Mbps to a digital modulating unit 150. (Col. 12 lines 10-15).

Thus, *Imajima et al.* only discloses video data of 24 Mbps. Nothing in *Imajima et al.* shows, teaches or suggests a transmission rate of a data stream is lower than a coding bit rate of the data stream as claimed in claims 17 and 33. Rather, *Imajima et al.* only discloses that the video data is 24 Mbps.

Since neither *Gagnon et al.* or *Imajima et al.* show, teach or suggest a transmission rate of a data stream is lower than its coding bit rate, Applicants respectfully request the Examiner withdraws the rejection to claims 17 and 33 under 35 U.S.C. § 103.

Claims 1, 3, 6, 8, 13, 15, 19, 21, 24, and 31 were rejected under 35 U.S.C. § 103 as being unpatentable over *Matsuzaki et al.* (U.S. Patent No. 6,522,672) in view of *Gagnon et al.* and *Imajima et al.*

Matsuzaki et al. appears to disclose multiplexing based on the bit rate of media information or on the priority corresponding to each program (Col. 6, lines 28-31). Nothing in *Matsuzaki et al.* shows, teaches or suggests multiplexing a first data stream at a first coding rate and additionally multiplexing the first data stream, having the first coding rate, into a second data stream by changing a transmission rate of the first data stream to a second coding rate lower than the first coding rate as claimed in claims 1, 6, 19 and 24. Rather, *Matsuzaki et al.* only disclosed multiplexing based on the transmission band (bit rate) of the media information or the priority corresponding to each program.

Additionally, *Matsuzaki et al.* merely discloses determining priority of each media according to content information to generate priority information (Col. 5 lines 10-13). Media multiplexed bit streams 76 for each program output from the media multiplexing section 34 are multiplexed as a group (Col. 5, line 66 – Col. 6, line 1). Nothing in *Matsuzaki et al.* shows, teaches or suggests a transmission rate of a data stream is lower than its coding bit rate as

claimed in claims 15 and 31. Rather, *Matsuzaki et al.* only discloses determining priority of the media program based upon content information and multiplexing bit streams for each program as a group.

As discussed above, *Gagnon et al.* only discloses encoding program signals and data signals from a controlled data source into information data streams that are multiplexed (Col. 8, line 63 – Col. 9, line 3). Nothing in *Gagnon et al.* shows, teaches or suggest (a) multiplying a first data stream at a first coding rate and additionally multiplexing the first data stream, having the first coding rate, into a second data stream by changing a transmission rate of the first data stream into a second coding rate lower than the first coding rate as claimed in claims 1, 6, 19 and 24, and (b) a transmission rate of a data stream is lower than its coding bit rate as claimed in claims 15 and 31. Rather, *Gagnon et al.* only discloses multiplexing encoded information into a packetized data stream.

Imajima et al. merely discloses outputting video data of 24 Mbps. Nothing in *Imajima et al.* shows, teaches or suggests multiplexing the first and second data streams as claimed in claims 1, 6, 19 and 24, or lowering the transmission rate of a data stream lower than its coding bit rate as claimed in claims 15 and 31. Rather, *Imajima et al.* discloses the rate that the video data is output.

The combination of *Matsuzaki et al.*, *Gagnon et al.* and *Imajima et al.* would merely suggest to multiplex data based on the bit rate of the media information or the priority corresponding to each program as taught by *Matsuzaki et al.*, to encode the information data streams that are multiplexed into a packetized data stream as taught by *Gagnon et al.* and to output the video data at 24 Mbps as taught by *Imajima et al.* Thus, nothing in the combination of the references shows, teaches or suggests (a) multiplexing a first data stream at a first coding rate

and additionally multiplexing the first data stream, having the first coding rate, into a second data stream by changing a transmission rate of the first data stream into a second coding rate lower than the first coding rate as claimed in claims 1, 6, 19 and 24, and (b) a transmission rate of a data stream is lower than its coding bit rate as claimed in claims 15 and 31. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1, 6, 15, 19, 24, and 31 under 35 U.S.C. § 103.

Claims 3, 8, 13 and 21 recite additional features. Applicants respectfully submit that claims 3, 8, 13 and 21 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Matsuzaki et al.*, *Gagnon et al.*, and *Imajima et al.*, at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 3, 8, 13 and 21 under 35 U.S.C. § 103.

Claims 2, 7, 20 and 25 were rejected under 35 U.S.C. § 103 as being unpatentable over *Matsuzaki et al.*, in view of *Gagnon et al.* and *Imajima et al.*, and further in view of *White et al.* (U.S. Patent No. 6,804,825). Claims 5, 10, 23 and 28 were rejected under 35 U.S.C. § 103 as being unpatentable over *Matsuzaki et al.*, in view of *Gagnon et al.* and *Imajima et al.*, and further in view of *Smith et al.* (U.S. Patent No. 6,128,649). Claims 11-12 and 29-30 were rejected under 35 U.S.C. § 103 as being unpatentable over *Matsuzaki et al.*, in view of *Gagnon et al.* and *Imajima et al.*, and further in view of *Look et al.* (U.S. Patent No. 6,757,906). Claim 14 was rejected under 35 U.S.C. § 103 as being unpatentable over *Matsuzaki et al.*, in view of *Gagnon et al.* and *Imajima et al.*, and further in view of *Browne et al.* (U.S. Patent No. 6,286,141).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be

set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in the combination of *Matsuzaki et al.*, *Gagnon et al.*, and *Imajima et al.* show, teach or suggest the primary feature as claimed in claims 1, 6, 15, 17, 19, 24, 31 and 33, Applicants respectfully submit that the combination of the primary references with the secondary references to *White et al.*, *Smith et al.*, *Look et al.* and *Browne et al.* will not overcome the deficiencies of the primary references. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2, 5, 7, 10-12, 14, 20, 23, 25 and 28-30 under 35 U.S.C. § 103.

New claims 70-77 have been added and recite additional features. Applicants respectfully submit that these claims are also in condition for allowance.

Thus, it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this amendment for purposes of appeal.

CONCLUSION

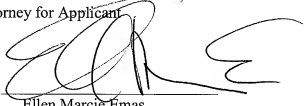
If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorney for Applicant

Date: October 15, 2007

By: 
Ellen Marcie Emas
Reg. No. 32,131
(202) 292-1530